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INTERNATIONAL OBSERVERS TO WATCH

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[1](#)B. CARACAS 00873

[1](#)C. 05 CARACAS 03596

CARACAS 00003598 001.2 OF 004

Classified By: POLITICAL COUNSELOR ROBERT DOWNES FOR 1.4 (D)

Summary

[1](#)1. (C) A comparison of the 2005 EU and OAS electoral observation missions' (EOM) reports and the 2006 missions' preliminary observations reveals the BRV has resolved less than half of the issues singled out last year. Some of the so-called improvements, such as the naming of a new National Electoral Council and the audit of the electoral registry are merely window dressing, since the board maintains its four to one bias in the government's favor and no independent organization has had full access to the registry for a comprehensive audit. In other areas, such as respect for and enforcement of campaign norms and generally accepted principles against voter intimidation, government abuses increased. Nevertheless, compared to the 2005 legislative elections, the most recent EOMs agree that the political atmosphere surrounding the presidential election had substantially improved. While the opposition has signaled a willingness to work on electoral issues, we doubt the BRV is prepared to make meaningful changes to the electoral system. End Summary.

CNE Considered More Sound

[1](#)2. (SBU) In their 2005 reports, EU and OAS observers declared that Venezuela suffered from a profound distrust of the electoral system due in part to the National Electoral Council (CNE), which was stacked four to one in the government's favor and reflected that bias in many of its decisions. In 2006, the EU saw the CNE in a new light:

--2005: In their 2005 final reports, the EU and OAS recommended that the CNE be renovated given widespread voter distrust and questions about its legitimacy. Both missions suggested the BRV consult with the opposition in choosing a new, impartial board consisting of representatives from various social and political sectors.

--2006: Both missions considered the CNE a new entity, centering on the fact that the previous, polemical CNE President Jorge Rodriguez had been replaced and a new set of directors had been appointed. This ignores the fact that four of the five new CNE directors are generally considered to be pro-Chavez and had either worked in the predecessor board or one of its regional entities. In its preliminary observation report, the EU acknowledges opposition concerns about the CNE board's pro-government composition, but also commends the CNE's efforts to improve their confidence.

Audit Recommendations Satisfied

¶3. (SBU) Audits of the technical aspects of the electoral process actually appeared to have improved:

--2005: Observers called for more hands-on opposition participation in the audits of the various phases of the electoral process, particularly the voting system. They suggested these audits start earlier with the rules set well ahead of time.

--2006: EU observers were pleased with the audit schedule and access granted to the opposition, which they said led to a better understanding of the voting system. They noted political party technical experts and observers were better qualified and collaborated better than the year before. The EU also viewed the CNE's implementation of software designed to scramble the sequence of the vote and the increase in the percentage of voting receipts counted on election day as positive developments for increasing voter confidence (Ref A). Still, they said CNE bureaucratic inefficiency occasionally hindered timely responses to opposition questions and concerns.

CARACAS 00003598 002.2 OF 004

Electoral Registry Audit Considered a Done Deal

¶4. (C) Unlike in previous elections, for the 2005 municipal and legislative elections the CNE denied opposition political parties access to a complete version of the electoral registry (REP) with voter addresses, citing a controversial Supreme Court ruling ordering the protection of voter data. The opposition balked saying independent review was necessary given the addition of more than 2 million voters during the BRV's registration drive in the months leading up to the 2004 presidential recall referendum:

--2005: Observers called for an independent review of the electoral registry (REP) with academic and political party participation. The OAS final report, which came out as the Costa Rica-based Center for Electoral Assistance and Promotion (CAPEL) concluded its BRV-funded private study of the REP (Ref B) for the CNE, urged the CNE to publish CAPEL's findings. Both missions also recommended the government and opposition work to find a way to balance the need for an audit with concerns about protecting voters' identities.

--2006: The CNE released the CAPEL report on its website. Representatives of both EOMs told us that a subsequent CNE-sanctioned audit also responded to their recommendations, although it was conducted by seven BRV universities after the three private universities pulled out of the process and only allowed restricted access for opposition representatives. They cite the opposition's acceptance of the REP as not flawed enough to skew an election. This argument ignores the fact, also raised by the opposition, that no independent entity has had full access for an in-depth review of the voter rolls. Such an audit is necessary to improve confidence in the electoral system.

Training Has Improved, but Still Inadequate

15. (SBU) While not initially an important observer focus, the significance of poll worker and voter training increased following problems observed on election day:

--2005: OAS and EU EOMs cited voter and poll worker training as woefully inadequate. They also suggested defining the role of the CNE-created electoral coordinator position, which is not in the law, and clarifying procedures, which were often dictated by military soldiers guarding the centers instead of CNE workers, as the law requires.

--2006: The EU EOM said training had improved considerably, but noted that confusion still existed. They also repeated their recommendation for codifying the CNE coordinator position in law, although they acknowledged the CNE's explanation of the coordinators' duties was better. The OAS' preliminary statement still noted a need for better awareness of closing procedures and there were isolated reports of the military playing a larger role than authorized.

Campaign Norm Violations Continued and Worsened

16. (C) Some of the most egregious violations occurred during the electoral campaign and were a principal focus of both observation missions in 2005 and 2006:

--2005: EU and OAS observers were very critical of BRV violations of campaign regulations prohibiting the use of government funds and employees, voter intimidation, and Chavez' use of mandatory national broadcasts (cadenas) to indirectly campaign for pro-government candidates. They also faulted the CNE for not reining in these violations and suggested a law to regulate electoral campaigns. Public and private media were also criticized for their lack of balanced coverage of the campaign, which the EU said violated internationally-accepted principles of media conduct. The EU suggested media outlets negotiate a campaign code of conduct among themselves.

--2006: None of these issues was resolved and, in some cases, the situation worsened. The EU found, for example, that of the more than 1,100 violations of campaign norms cited by CNE

CARACAS 00003598 003.2 OF 004

legal experts, only 61 went to the CNE board for action and only five of these cases resulted in sanctions. The EU recognized the suspension of Chavez' weekly "Alo Presidente" television program, but noted that most abuses were committed by Chavez' campaign followed "to a much lesser extent" by Manuel Rosales' camp. Whereas in 2005 observers were concerned about the use of the Maisanta program and some election day statements from BRV officials to intimidate voters, particularly civil servants, this year's assessments suggest intimidation was more varied, blatant, persistent, and systematic. Also, EU analysis indicates state television station Venezuela de Televisión's (VTV) and private television station Televen's campaign coverage was more biased than in 2005.

Fingerprint Machines as Intimidation Issue

17. (C) Fingerprint (digital scanning) machines used for voter identification also remained a polarizing issue and a principle observer focus for both elections:

--2005: In the wake of the discovery that it was possible (though difficult) to determine how electors voted (Ref C),

international observers successfully lobbied, at the opposition's request, to have the machines removed from voting centers. In its final report, the EU said the machines were a potential guard against stacking the voter registry with ghost voters, but ineffective as long as there was not an adequate identification program in place.

--2006: The observers' focus on the machines shifted slightly from a technical concern about their potential to compromise the secrecy of the vote to their political value as a potential intimidation tool as many voters continued to believe that the government would be able to track their vote. The OAS EOM told us they had privately lobbied the CNE not to use the machines, but were unsuccessful. In their preliminary assessments, both missions strongly criticized the use of the machines as an obstacle to voting that failed to prevent voter fraud, contrary to CNE claims.

Legal Gaps Persist

18. (SBU) Because the legal guidelines for the legislative and presidential elections differed, international observers were not as focused on this issue. Still EU EOM leader Monica Frassoni highlighted a couple of concerns based on the 2005 report:

-- 2005: Observers noted the variety of electoral laws, some seemingly contradictory or outdated, governing the legislative election and recommended they be harmonized into one electoral law. They also suggested including updates to the law that accounted for the advanced voting technology in use. They criticized the use of the morochas device, which they said violated the spirit of constitutional requirements for proportional representation in the legislature. (Note: In legislative elections, sixty percent of the candidates are elected through a constituency-based, first-past-the-post system while the rest are elected through party lists. A morocha is an electoral device that allows a large party to run its best-known candidates in single district races under the colors of a clone party while putting its lesser known candidates on its own party list, thus reducing the possibility of minority party representation.)

-- 2006: The EU repeated its call to synthesize existing legislation into one definitive electoral law emphasizing the need for regulations on campaign limits and finance. As mentioned previously, they also urged better enforcement of existing electoral norms, particularly with respect to campaign and closing rules.

Comment

19. (C) The BRV fulfilled less than half of the observers' recommendations, particularly when it came to the electoral campaign. While the recommended improvements would not have led to a Rosales victory, many of the advantages that

CARACAS 00003598 004.2 OF 004

resulted from non-compliance certainly helped ensure Chavez' wide margin of victory by shaving votes from the opposition. The BRV has a chance to incorporate some of the observers' recommendations when it takes up constitutional reform, and the opposition has expressed interest post-election in drafting proposals to address some of these issues. However, given Chavez' determination to ensure his continuation in power and to form a single revolutionary party, it is doubtful whether any meaningful changes will be made to the electoral system.

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